



**MICHIGAN COUNCIL
ON CRIME AND DELINQUENCY**

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It's Time to Raise the Age & Keep Michigan's Kids out of Prison

Support for House Bills 4947- 4966

Michigan remains **one of only 9 remaining states** automatically prosecuting 17-year-olds as adults for *any* offense. This antiquated practice is contrary to scientific research, exceptionally harmful to youth and families, and threatens our community's safety. In order to reduce reoffending rates, drive down corrections costs and align with national standards, it is imperative that Michigan raise the age of juvenile court jurisdiction to 18 and prohibit youth from being placed in adult prisons and jails.

In the past ten years, over 20,000 Michigan youth were convicted as adults; 95% of them were 17-years-old at the time of their charges.¹ The majority of these youth were charged with non-violent offenses that did not include a weapon and had no prior juvenile record. Rather than providing effective rehabilitative services, 17-year-olds are prohibited from accessing diversion or youth-focused treatment only available in the juvenile system.²

Prosecuting youth in the adult system is harmful and threatens public safety. Over half of these young people were placed in jails and prisons where they are at the greatest risk of risk of physical and sexual violence, held in restraints or seclusion, or commit suicide. Without access to rehabilitative services, young people exiting adult prison are 34% more likely to reoffend and reoffend more violently compared with their peers in the juvenile justice system.³

Treating 17-year-olds in the same manner as adults is outdated and increasingly at odds with scientific research. The practice of prosecuting 17-year-olds as adults was established in Michigan in 1907, long before the emergence of best practice research. Today, thanks to advances in neurobiology and social science, we know teenagers are not physically or biologically the same as adults. As part of normal development, young people are more likely to take risks, act impulsively and are highly susceptible to negative influences of their peers—all characteristics associated with delinquency.⁴ While the cognitive capacities of adolescents are very close to an adult level by age 16, their ability to reason and exercise sound judgment, particularly in emotional situations, improves well into one's early to mid-twenties⁵. Though these age-related factors may contribute to youthful mistakes, teens, including 17-year-olds, are much more amenable to rehabilitative programs and behavior modification than older adult offenders.

In nearly all aspects, Michigan aligns with other state, federal, and international laws that recognize 18 as the age of adulthood—except for criminal responsibility. In Michigan, 17-year-olds cannot vote⁶, legally sign a contract⁷, drop out of school⁸, purchase tobacco⁹, fireworks¹⁰ or lottery tickets,¹¹ and are still considered children whom the state's child welfare system must protect from abuse and neglect. Nonetheless, 17-year-olds *must* be prosecuted in adult criminal courts and held in adult jails and prisons.

Michigan's adult probation and prison systems are not equipped to address the unique needs of youth. Because adult services are not designed to address a teen's developmental needs, young people are more

¹ MICH. DEP'T OF CORR., *Offender Management Network Information (OMNI)*, 2003-2013

² *Id.*

³ Robert Hahn, et al, Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR RECOMMENDATIONS & Rep. RR-9 (2007);

⁴ MACARTHUR FOUND. RESEARCH NETWORK ON ADOLESCENT DEV. & JUVENILE JUSTICE, *LESS GUILTY BY REASON OF ADOLESCENCE* (2006).

⁵ Laurence Steinberg & Elizabeth Scott, *Adolescent Development and the Regulation of Youth Crime*, 18 *THE FUTURE OF CHILDREN*, 2,15 (2008).

⁶ U.S. Const. amend. XXVI

⁷ MCL 722.52

⁸ MCL 380.1561

⁹ MCL 722.641

¹⁰ MCL 28.462(2)

¹¹ MCL 432.29

disruptive than either adults in prison or youth in juvenile facilities. This often leads to misconducts and segregation.

In the last ten years, most Michigan youth under age 18 entered the prison system with mental health needs and a history of drug and alcohol abuse. Of this same population, girls particularly had severe histories of trauma, human trafficking, and domestic violence, and 13% of them had at least one child at home. Additionally, 77% had yet to complete high school or receive a GED, 27% are behind at least one grade level, but 100% receive only 8 hours per week of education in prison.¹²

Michigan's juvenile justice system is highly effective at delivering developmentally-appropriate services and sanctions that hold youth accountable, engage the whole family in treatment, keep kids in school and reduce reoffending. As a result of declining youth arrests rates and increased use of diversion, Michigan's juvenile courts have seen dramatic reductions in their caseloads.¹³ Likewise, many juvenile detentions and residential treatment centers are well below capacity, some with bed usage falling under 50% capacity.¹⁴ More than any time in recent history, Michigan's juvenile justice system has the ability to absorb and provide far better treatment to most, if not all, 17-year-olds in the system.

Several states have recently increased their age of juvenile jurisdiction, citing research, public safety and cost-savings as the reason for the change. Those states have reported little to no cost impact, in large part due to effective diversion and community-based treatment for low-risk cases. In fact, they expect a long-term cost-savings. Research estimates that including 17-year-olds in the juvenile justice could result in a \$3 savings benefit for the correctional and judicial systems for every \$1 spent.¹⁵

Ultimately, the long-term benefits of raising the age of juvenile court jurisdiction far outweigh any short-term costs. When compared to the costs associated with serving a youth under juvenile court supervision, sentencing youth in the adult system is very expensive. The average cost of housing a prisoner in Michigan is about \$35,000 a year,¹⁶ with an average sentence served of 4.3 years. In light of these cost-saving considerations, many of the remaining states are now examining law changes to return 17-year-olds to the juvenile system.

The vast majority of youth entering prison will eventually be released back into the community. Once they leave the system, however, an adult criminal record creates life-long barriers to education, employment, housing and more. A young person convicted in the adult system can expect to earn 40% less over their lifetime, which translates to a loss of state tax revenue, and an increased risk of future incarceration.¹⁷ Youth who receive treatment and services in the juvenile system are less likely to re-offend as adults, and most go on to be productive, tax-paying citizens.

Now is the time for Michigan to join the 41 other states that already recognize that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, the MCCD supports the proposed legislation to raise the age of juvenile court jurisdiction to 18, to prohibit the placement of youth in adult prisons and jails and all other bills in the Youth in Prison Package.



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¹² MCCD, *Youth Behind Bars: Examining the Impact of Prosecuting and Incarcerating Kids in Michigan's Criminal Justice System*, May 2014.

¹³ MICH. STATE POLICE, *MICHIGAN CRIME INCIDENT REPORTING, STATEWIDE ARREST TOTALS 2012: ARRESTS BY AGE, SEX, AND RACE* 2013).

¹⁴ Christina Hall, *Macomb juvenile justice center to lay off 25 workers*, DETROIT FREE PRESS, October 9, 2015.

¹⁵ JOHN ROMAN & JEFFERY BUTTS, THE URBAN INSTIT., *THE ECONOMICS OF JUVENILE JURISDICTION* (2005).

¹⁶ The average daily prisoner cost in Michigan is \$96.30 a day or \$35,149 a year. Cost per Prisoner per Day, MICH. DEP'T OF CORR., <https://midashboard.michigan.gov/stat/goals/ard7-shmq/ahcq-pk9e/fly9-i6r7> (last visited November 3, 2015).

¹⁷ GREAT LAKES ECONOMIC CONSULTING, *THE SOCIO-ECONOMIC BENEFITS AND ASSOCIATED SAVINGS OF COMMUNITY-BASED PROGRAMS FOR JUVENILE OFFENDERS* (2013).